

1. Welcome

- TY for coming [acknowledge other Board members in attendance]
- One of the things the Agency can do better is internal communications (with employees).
- This is true of communication at all levels of the Agency and on many different topics (including confusing weather/closing-related messages), but there is specific information particularized to the Board-side work we do that we need to do a better job of getting to you
- I think back to my days as a junior attorney, sitting and working away in my office and things would get announced or a new lateral associate or partner would appear, and I'd think –
 - Gee, if I had known that, I would have or could have done X
 - Or, if I had known that, it would have helped me see the larger picture of what was going on
 - Or, if I had known that, I would have felt like you valued me enough to tell me what was going on.
- The reality is in the pace of things we sometimes get moving and forget to make sure some of the most important parts of the process (our people) are included in the communication.
- I am committed to doing better on this.
- So, today we're hoping to provide you some useful updates and information about Board-side specific matters. You can decide whether it's useful, but we'll provide it to you anyway.

2. Introduction of new Board-Side Staff

- Chief of Staff – Christine
- Solicitor – Fred
- Executive Secretary – Roxanne
- CFO – Isabel McConnell
- OCPA – Cynthia Witkin
- Introduce new legal administrative specialists
 - Jo Ann; Monica Bowen (Emanuel), Christina Ford (McFerran)
- [Beth]

3. Update on Hiring (Christine)

- Despite budgetary restrictions and pressures from the GC-side that the Board-side “share the pain” of several years of a flat budget (which means a budget cut in real terms), we have been able to keep staffing roughly unchanged – and been able to back-fill departures (which hasn’t always been the case on the GC-side)
- So, in addition to the positions just mentioned being filled, we’ve posted to fill some additional vacancies
 - an assistant solicitor to replace Susan Leverone
 - 2 vacancies in the R-unit
- For each Board member’s staff:
 - We filled the vacant independent 15s internally, through promotional opportunities
 - Now we’re hiring GS 13 and 14 attorneys on the Chairman’s and Member McFerran’s staff to maintain staffs of up to 10 attorneys

4. Update on Strategic Plan

- One prime example of where we have not been stellar in our communications with you was our announcement of our strategic plan.
- We worked hard to finalize it; worked hard on an external press release, and then HR sent it out to the deputies and others and said to distribute – with no cover message or explanation.
- Most of you probably read about it in the press. Some of you may still not have heard about it or even if you have, you may not know what it is
- I've gotten some questions about the plan.
- Obviously, in a better communication process, we would have made sure you had the plan with an explanation before (or at least at the same time) we released it publicly.
- The Strategic Plan is an externally-published statement of the Agency's long-term goals, objectives, initiatives and strategies and includes measures for managing and assessing the Board's overall performance. All federal agencies are required to issue Strategic Plans and make them publicly available.
- The Strategic Plan that we issued in January was not substantially changed from the prior strategic plan except in creating certain goals for reducing the time it takes to process cases – at all levels.
- So, we thought it might be useful for Beth Tursell (who in her Operations role and her then-acting CFO role) was part of the creation of the revisions to this strategic plan.
- She'll give an overview of the overall time reduction initiative, and then talk specifically about what they're doing on the GC side – because that's important that you know what's going on there
- Then, we'll talk about the Board-side aspects of the plan

[Beth]

- Board-side components of the Strategic Plan
 - In consultation with GC Robb, the Board thought that it could reasonably set a goal of 5% per year reductions in case processing time –
 - The Board has been very focused on case processing times, and we felt that we could achieve the goals with continued focus on case processing

- Second, the Board did not change any of the SES expectations or any other employee performance measures.
- As I said, we believe the reduction goals can be met with our focus on case processing.
- Any questions? This brings me to another topic – case processing.
[We need to be prepared if they ask about specifics]

5. Update on Case Processing

- As was announced in September, most of the Board's focus on case processing has been part of ES 18-3 regarding Expediting Board Case Handling
- This ES memo contains many of the same goals and targets that have been in prior ES memos back to the 50's and 60's.
- But, as I've discussed before, everything I've read about case processing (Gary's binder) is that where prior attempts have failed, it wasn't because of staff delays or other processing concerns, and in fairness there are many reasons case processing falls behind
- it all came down to whether the Board members themselves were committed to the timely processing of cases – whether that was their primary focus.
- This Board has committed itself to a focus on processing cases – and I think you all have seen that.
- The Board reviews the case processing spreadsheet (most of you probably have seen) and we are holding ourselves accountable for meeting the deadlines.
- And, we also tried to build in some scheduling certainty so staffs and staff attorneys can try to schedule when a draft is expected and when revisions are due.
- I believe – and I think the other Board members believe that it is the right thing to do in our efforts to accomplish the purposes of the Act.
- Parties waiting 4, 5, 6 or more years for resolution of their case is justice denied.
- [Chairman Bobby Scott – increased remedies]
- The Board committed to reviewing ES 18-3 after 6 months to see how things are going – is it working? are we killing ourselves? Have these efforts impacted our staff and if so, how is the staff managing?

- As part of that process, we hope to get your input on how you think the process is going, and suggestions for how ES18-3 may be improved, and case-processing generally.
- I've also asked Roxanne to work on a process to gather input on other ways we can streamline case processing more generally – from start to finish. And we'll share more about that with you as that plan is developed.
- As I mentioned in my memo to everyone in September, ES 18-3 was not designed to change anything about how you do your job and certainly not put any additional pressure on you. It also was not meant to chose speed at the expense of excellence. We'll be interested in your feedback on the process.
- Any questions?

6. Update on Rulemaking

- Quick update on rulemaking, which is something the Board majority is interested in doing more of.
- With regard to the joint employer NPRM – the (reply) comment period closed Monday at midnight; we received close to 29,000 comments. We're leveraging the Federal Register platform for the public posting of all of these comments to facilitate the review. We already know there are many duplicates and a number that are not substantive, but ESO is estimating between 500 and 2,000 substantive comments. Obviously, we will want to go through all of the comments carefully.
- Our goal is to minimize the impact on case processing and your ongoing work and we're looking into ways to have the initial review of these comments done without having to pull Board attorneys away from their case processing work, so the ES Office has posted a FWAP notice and we'll also use contract support as needed.
- Staff reps for each member assigned to the joint employer rulemaking will approve the template that will be used by the reviewers to categorize and catalogue the comment information. Ultimately, each Member's staff will get a summary of the comments received, that they can rely on to brief their Member.

- We also have Election Rules that we've announced that at first will focus on blocking charges and voluntary recognition.
- We also have some other rulemaking initiatives, including one dealing with access to property and related issues. That is something we'd include in our regulatory agenda filing, which usually occurs in March.
- Any questions?
- Any general questions anyone has?

Thank you for coming. We hope this was informative. And, we'll hope to do these Board-side meeting more regularly as part of our effort at better communications.

Thanks.